

CITY OF LEWISTON
PLANNING BOARD MEETING MINUTES
for January 23, 2008 – Page 1 of 4

I. ROLL CALL: This meeting was held in the City Council Chambers on the First Floor of City Hall, was called to order at 5:33 p.m., and was chaired by Chairman Stephen Morgan.

- **Members in Attendance:** Stephen Morgan, Jim Horn, Ron Chartier, Roger Philippon, Denis Fortier, and Lucy Bisson. **Absent:** Jonathan Earle.

- **Associate Members Present:** None. **Absent:** None.

- **Staff Present:** Elizabeth Dube, City Councilor; Lincoln Jeffers, Assistant to the City Administrator; Gildace Arsenault, Director of Planning and Code Enforcement; David Hediger, City Planner; and Doreen Christ, Administrative Secretary of Planning & Code Enforcement.

II. ADJUSTMENTS TO THE AGENDA: None.

III. CORRESPONDENCE: Distributed at this meeting was the DRAFT of Article XIII. Development Review and Standards dated 01/23/2008.

The following motion was made.

MOTION: *by Lucy Bisson that the Planning Board accepts the above item, place it on record, and read it at the appropriate time. Second by Jim Horn.*

VOTED: 6-0 (Passed).

IV. HEARING: *A proposal submitted by Sebago Technics on behalf of White Rock Distilleries for the creation of a 52-space parking lot with access through the existing site for employee parking located at 33 Saratoga Street.*

The following motion was made in regards to the reading of the Staff Memorandum.

MOTION: *by Lucy Bisson that the Planning Board dispense with the reading of the Staff Memorandum prepared by David Hediger, City Planner, dated January 17, 2008. Second by Denis Fortier.*

VOTED: 6-0 (Passed).

This proposal is to create a 52-space parking lot at 33 Saratoga Street. This is a 14.66 acre parcel and is located in the Industrial (I) zoning district. This parking lot expansion will add 19,200 square feet of new impervious area to this site. This project is subject to the City's delegated review authority for site law. There were no concerns from the Police, Fire, and Public Works Departments.

Present at this meeting was **Jan Wiegman**, P.E., from Sebago Technics on behalf of White Rock Distilleries. Jan Wiegman gave a brief presentation to the Board. The proposed 51-space parking lot will gain access from the existing parking lot. This project does require that a stormwater permit be obtained from the DEP. They had to shift the parking lot closer to Forrestal Street to accommodate the stormwater. Jan requested a waiver for the setback requirements from the 25 foot front yard requirement to 20 feet. Due to the slight changes, the parking lot will now be 51-spaces. In closing, Jan stated that plans have been submitted to the LDC.

This item was then opened to the public for those in support and those in opposition. There being no comments or concerns, the public portion of this meeting was then closed and brought back to the Planning Board for the following motion.

MOTION: by **Lucy Bisson**, that the Planning Board determines the application submitted by Sebago Technics on behalf of White Rock Distilleries to create a 51-space parking lot at 33 Saratoga Street to be complete; grants approval of the modification/waiver checklist; that this application meets all of the necessary approval criteria contained under Article XIII, Section 4 of the Zoning and Land Use Code; and grants approval to White Rock Distilleries, subject to the following conditions:

1. That no approved mylars are released and no construction activity occurs until the Lewiston Development Corporation (LDC) has approved the project.
2. That no approved mylars are released and no construction activity occurs until the DEP issues a stormwater permit.
3. Sheet 2, Erosion Control Note 6 with respect to erosion control is amended to include that weekly site inspections ... "be conducted and reported to the City ...".
4. That the waiver for setbacks be granted from the 25 foot front yard requirement to 20 feet. Second by **Denis Fortier**.

VOTED: 6-0 (Passed).

V. OTHER BUSINESS:

A. A recommendation to the City Council regarding drinking places. David Hediger read his Staff Memorandum dated January 17, 2008. This item was previously discussed at the Planning Board meeting held on January 9, 2008. At that meeting, the following recommendations and suggestions were made. 1. That a new moratorium be enacted by the City Council that would prohibit the operation of any drinking place or establishment requiring a special amusement license for dancing. The current moratorium expires on March 2, 2008.

Bill Welch, Lewiston Police Chief, was present. Any large group of people leaving an establishment will cause trouble. Bill Welch stated that countless manhours were spent there from the Police Department (Oak Park neighborhood). David Hediger suggested extending the moratorium for another 180-day period limited to drinking places with dancing. It was suggested to include drinking establishments/drinking establishments with special amusements permits for dancing. It was also suggested that the City needs to prohibit all bars in the Oak Park area and the language needs to be changed. The following motion was made.

MOTION: by **Lucy Bisson** that the Planning Board send a favorable recommendation to the City Council for their consideration to enact a moratorium to prohibit drinking places and drinking places with special amusement permits for 180-days in the Oak Park neighborhood, as defined by the current moratorium. Second by **Roger Philippon**.

VOTED: 6-0 (Passed).

David Hediger suggested sending the above recommendation to the City Council and to also schedule this for the Joint City Council/Planning Board meeting scheduled for February 12, 2008.

Other recommendations and suggestions included: 2. The Board had originally recommended eliminating the exemption from the locational criteria for new establishments with 5,000 square feet or greater of floor area contained in Article XII, Section 9. This provision applies to the entire city. Staff prepared two (2) possible zoning and land use amendments – one considers an amendment to Article XI, Section 13, District Regulations for the Centreville (CV) zoning district and applies to a specific area of the CV zoning district in the Oak Park neighborhood prohibiting any drinking place with a special amusement permit from operating. The other zoning and land use amendment is to Article XII, Section 9, Performance Standards for drinking places. This also applies to the same specific area as the first proposed amendment. This amendment also eliminates any grandfathering of uses, since there is no specific language in the ordinance with respect to performance standards for drinking places, however, Staff believes it is illegal to eliminate all grandfathering rights. If this proposed language is adopted, vacant properties last used as drinking places would not be able to be re-established.

Jim Horn said that the problem is in the Oak Park area. Gil Arsenault suggested the need for specific language regarding abandonment to shorten the 12-month, non-conformance period to 6-months.

Roger Philippon's suggestion was to not recommend a larger area prohibiting drinking places. We do not want drinking establishments period. Restrictions will address problems. David Hediger said that we can make it more difficult to remain there. Bill Welch stated that the bars were there first. It was then asked if the residents can be zoned out of Oak Park instead. David Hediger said that Oak Park is a quiet place because the downtown is struggling. Lucy Bisson commented that if the downtown becomes active, Oak Park residents will start complaining again. It was then asked if the time can be restricted in the parking garage and the response was, "No".

Ron Chartier suggested doing something for the landlords. A financial incentive needs to be discussed. It was suggested to contact the City Attorney for specific language. Rehab loans were also suggested. In conclusion, this item will be discussed at the Joint City Council/Planning Board meeting to be held on February 12, 2008. Staff will then prepare the language for this item, which will then be scheduled for a Public Hearing. Lincoln Jeffers stated that commercial rehab is funded with City funds. Ron Chartier suggested making some money available and reducing some of the hurdles.

At this point in the meeting, Jim Horn left the meeting for a prior commitment.

The following motion was made.

MOTION: *by Roger Philippon that the Planning Board make the following recommendations regarding drinking places: 1. That any additional zoning and land use regulations should be limited to the Oak Park neighborhood, as defined in the current moratorium. 2. A proposed ordinance amendment be drafted for the Oak Park neighborhood to include prohibiting any type of drinking establishment, with or without a special amusement permit. 3. A proposed ordinance amendment be drafted reducing the time period a drinking establishment is deemed abandoned from 12 months to 6 months. 4. To consider providing a financial incentive or similar program to assist property owners in the Oak Park neighborhood that may be impacted by the new zoning restrictions and shortened abandonment period. Second by Lucy Bisson.*

VOTED: 5-0 (Passed).

The Board had chosen not to discuss a process on creating an entertainment district, therefore at this meeting, the following motion was made.

MOTION: *by Ron Chartier that the Planning Board chooses not to discuss a process on creating an entertainment district, not knowing the status of the groups and their efforts and that these groups may already have goals and priorities for the downtown. Second by Roger Philippon.*

VOTED: 5-0 (Passed).

B. *A proposed amendment to Appendix A, Zoning and Land Use Code, regarding, "The Informed Growth Act".* Lincoln Jeffers presented this item. This item was previously discussed at the Planning Board meeting held on January 9, 2008. At that meeting, Board members requested Staff to draft language addressing the economic and community impact review criteria that apply to large-scale retail development land use permit applications and that require a study of the comprehensive economic and community impacts of the proposed large-scale retail development, consistent with "The Informed Growth Act".

Lincoln Jeffers distributed a draft of Article XIII. Development Review and Standards dated 01/23/2008. The Definitions portion was reviewed first. Reference was made to projected net retail. Item No. 3 was okay. Item No. 4, Land Use Permit – once the Planning Board makes the decision – this is the permit. Item No. 5 - The Big Box definition has not changed. This is for a single retail development of 75,000 SF. Proposed language will exempt both the Centreville (CV) and Mill (M) zoning districts from requirements. David Hediger said that if the ordinance is in place, this gives an incentive to direct people into the downtown.

Comprehensive Impact Study – Currently this is limited to consulting firms per the State Planning Office per a \$40,000 fee. The City's language will allow a Maine-based consulting firm and would depend on the firm's criteria. You can negotiate a fee with your consultant. It is up to the

applicant to find a consultant. Staff is proposing a one- or two-step process that gives the applicant some latitude.

If the negative impact out numbers the positive impact, the Planning Board would only deny the land use permit on economic impact grounds if that determination is made. It was suggested to delete the wording, "*the negative impacts outweigh the positive impacts*" and Gil Arsenault suggested replacing with the following wording, "*this has a significant adverse impact*". Gil Arsenault suggested having this document (Article XIII, Development Review and Standards) reviewed by the City Attorney.

David Hediger said that the next steps are to have the City Attorney review the document and then to schedule it for a public hearing.

C. Any other business Planning Board members may have relating to the duties of the Lewiston Planning Board. The following meetings are scheduled:

- February 6, 2008 (Workshop),
- February 12, 2008 (Joint City Council/Planning Board meeting), and
- February 13, 2008 (Planning Board Meeting). So far the only hearing scheduled for this meeting will be the Lewiston Capital Improvement Program (LCIP) FY2009.

VI. OLD BUSINESS:

A. A proposed amendment to Appendix A, Zoning and Land Use Code, regarding Delegated Review Authority for Stormwater Management. There was no update at this meeting.

B. A discussion regarding Urban Design Standards. No update.

C. A proposed amendment to adopt a Wireless Communications Facilities ordinance. No update.

D. Lewiston-Auburn Consolidation. No update.

E. Zoning and Land Use Updates, including zoning matrix, SR districts, and open space provisions. No update.

VII. ADJOURNMENT: The following motion was made to adjourn.

MOTION: by **Ron Chartier** that the Planning Board adjourn this meeting at 7:01 p.m. Second by **Lucy Bisson**.

VOTED: 5-0 (Passed).

Respectfully submitted,

Lucy Bisson, Planning Board Secretary

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